

# THE FEDERAL VOTING ASSISTANCE PROGRAM

Tenth Report



September 1975

THE FEDERAL VOTING ASSISTANCE PROGRAM

TENTH REPORT

1975

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## PREFACE

This Tenth Report is designed to show the progress that the States have made in the 33 years since the United States Congress took a direct and continuing interest in permitting citizens in several categories to vote by absentee ballot.

The 84th Congress approved the Federal Voting Assistance Act on August 9, 1955, after temporary measures during World War II were successful in aiding Armed Forces members to vote by absentee ballot.

Every State, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories of Guam and the Virgin Islands now permit Armed Forces members both to register and vote by absentee process. Forty-eight jurisdictions now permit all citizens originally covered by the 1955 Act--members of the Armed Forces, the U.S. Merchant Marine, U.S. civilian employees, members of special groups assisting the Armed Forces, and spouses and dependents of all categories--to vote in all elections by absentee process.

In 1968 the Congress amended the 1955 Act by adding a new category of voters, namely, all other U.S. citizens temporarily residing overseas. Thirty-seven States now permit these individuals to vote by absentee ballot.

The Federal Voting Assistance Program has continued to provide valuable services to Armed Forces personnel and eligible members of their families who must vote by absentee ballot because of service away from their home State. Two important Program objectives have been emphasized since the Ninth Report: (1) to provide high quality voting information and material throughout the election year to persons covered by the Act, and (2) to provide potential voters with personal assistance from voting representatives by providing these representatives with factual and up-to-date registration and voting information. Both of these objectives were successfully accomplished.

Participation by Armed Forces members in the electoral process during the 1974 general election mirrored the downward trend of the national electorate. During 1970 "off-year" elections, participation by the national electorate was 43.5 percent. In the same elections, Armed Forces participation was 26.5 percent. In 1974, the national electorate's participation rate was 37 percent; participation by Armed Forces personnel was 18 percent.

An analysis of the statistical data compiled by the Federal Voting Assistance Program staff indicates that participation in the electoral process by Armed Forces members is a function of age. In the largest age

group of the Armed Forces--members between the ages of 18 and 25--only 12 percent voted in the 1974 elections. Participation was nearly doubled, 22.7 percent, by members in the next age group, those between 26 and 40 years.

Individuals in the Armed Forces who did not vote in the 1974 elections cited two significant reasons for not participating. Only 20 percent of those eligible indicated that they were very interested in the elections, and nearly half of the eligible voters indicated that they simply chose not to vote.

As shown in this report, the States have made significant progress in adopting the recommendations of the Federal Voting Assistance Act. The Department of Defense, as the management focal point for the Federal Voting Assistance Program, continues to work with State election officials and legislators to facilitate even further absentee registration and voting. The Department of Defense also maintains its high priority program of assisting persons covered by the Act who desire to vote to exercise their franchise through the absentee process.

## PART I

### THE FEDERAL VOTING ASSISTANCE PROGRAM

#### Background

The first Federal law to facilitate absentee voting for members of the Armed Forces was passed in 1942. This law utilized Congressional war powers to mandate that States permit absentee voting for the military. The 1942 law was amended to a more elaborate system for the 1944 Presidential election. The 1942 law and its amendment were to expire in 1946; however, the law was amended again in that year. Since the nation was no longer considered to be in a time of war, the 1946 amendments simply recommended to the States that persons in the Armed Forces be permitted to vote absentee under State law. This action was consistent with the long tradition of the States conducting elections for both Federal and State offices. The 1942 law, as amended, remained on the books until 1955 when a completely new law was enacted.

The Federal Voting Assistance Act of 1955 was originally enacted to permit and assist members of the Armed Forces, Federal employees overseas, and other persons associated with the Armed Forces to vote when they were away from their place of residence. Members of the Armed Forces and their families were the largest group affected, and it was their voting difficulties which dramatized the need for such legislation. For many years the Federal and State Governments had attempted to assist these persons, as President Truman pointed out in his March 28, 1952, message to Congress on "Voting in the Armed Forces."<sup>1</sup>

President Truman disclosed that some States were still not providing adequate absentee voting opportunities to members of the Armed Forces, their families, and other Federal employees. Accordingly, Congress began deliberations which led to the passage of the Federal Voting Assistance Act of 1955. Again, while this Act merely recommended that the States take action to solve the problem, it did present a more detailed plan for the States to adopt.

#### Role of the Secretary of Defense

Subchapter II of the 1955 Act specifies certain requirements for the Federal Government to fulfill. These concern coordination and facilitation of such actions as required to discharge Federal responsibilities under the Act. The President is authorized to designate the head of any department or agency of the Executive Branch to serve as Presidential designee to oversee the fulfillment of the Act's purposes.

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1. Congressional Record

In November 1955, by means of Executive Order 10646, the President named the Secretary of Defense the Presidential designee to "effectuate the purposes" of the Act. The Secretary was further authorized to delegate any functions regarding the discharge of Federal responsibilities under the Act to any person or persons within the Department of Defense. Since January 1956, the Assistant Secretary of Defense for Manpower and Reserve Affairs (ASD(M&RA)) has been authorized and empowered by the Presidential designee to carry out the purposes of the Act. The Federal Voting Assistance Division in the Office of Information for the Armed Forces is the focal point for Federal Voting Assistance Program operations within the Department of Defense.

#### Report Requirements and Organization

This Tenth Report on the Federal Voting Assistance Program covers the period from September 1, 1973, through August 31, 1975. Its submission is required by the Federal Voting Assistance Act of 1955 (hereinafter, the Act), Title 50, United States Code, §§1451-1476.

The Act requires this Report to cover the administration of Federal responsibilities under the Act, progress of the States in carrying out the Act's recommendations, statistical data related to absentee voting, and such other information as the Presidential designee may consider appropriate.

This Report has been compiled in sections which generally correspond to the required reporting areas stated above. Additionally, Title 50, United States Code Annotated, §§1451-1476, has been added as an appendix for convenient reference.



## PART II

### ADMINISTRATION OF FEDERAL RESPONSIBILITIES

#### Presidential Designee

The Presidential designee has specific responsibilities which must be fulfilled. These responsibilities have brought about a Federal effort to aid absentee voters in exercising their franchise and to assist the States in carrying out the Act's recommendations.

Specifically, the Presidential designee is required to:

- (1) Coordinate and facilitate such actions as may be required to discharge Federal responsibilities under the Act.
- (2) Request from other Federal Departments and Agencies such assistance deemed necessary to effectuate the purposes of the Act.
- (3) Submit a report to the President and to the Congress in odd-numbered years.
- (4) Request annually, or as appropriate, each State to furnish current absentee registration and voting information. The designee shall then furnish this information to the Departments and Agencies of the Executive Branch affected by the Act.

#### Assistance From Other Executive Departments

Departments and Agencies of the Executive Branch participate in the Federal Voting Assistance Program and have their own individual programs for assisting personnel under their cognizance who are covered by the Act.

As requested by the Presidential designee, the Attorney General cooperates with and advises the Council of State Governments in the formulation of drafts of State legislation designed to implement the Act's recommendations

The General Services Administration prints and distributes the standard post card forms used to request registration and absentee ballots--the Federal Post Card Application, Standard Form 76 (hereinafter, FPCA). The Act requires that these forms be in the hands of potential voters not later than August 15 before a Federal election if they are outside the territorial limits of the United States, and not later than September 15 for persons within the territorial limits of the United States.

In addition to specific assignments outlined above, all Federal Government officials are expected to:

- (1) Distribute essential voting information to the extent necessary, and as soon as possible after receipt.
- (2) Deliver FPCAs to persons to whom the Act applies for use in Federal elections.
- (3) Facilitate the transmission of balloting materials to and from persons covered by the Act.

#### Conduct of the Federal Voting Assistance Program

In 1974, the Federal Voting Assistance Program provided an essential service to absentee voters. In cooperation with the Department of State, voting information and assistance was made available to non-Federally employed U.S. citizens overseas through the facilities of U.S. embassies and consulates. Private organizations with employees working abroad were also provided with voting information in an effort to reach more potential absentee voters through industrial internal media.

#### 1974 Summary

The Secretary of each Military Department named a senior officer of general or flag rank to coordinate voting assistance activities throughout the year. As in previous years, this action contributed to the Program's success by ensuring continuing command support.

Effectiveness of the Program also depended upon cooperation among the Military Departments, voting assistance representatives of Executive Branch Departments and Agencies, and State election officials. Excellent cooperation was evidenced by the timeliness with which the States provided voting rules and other information to the Department of Defense, and by the rapid distribution of that data through Federal channels.

Major improvements in Program operations over previous years included:

(a) The Secretary of Defense's issuance of specific guidance well in advance of the 1974 general election to provide voting information and assistance to members of the Armed Forces and their families. This guidance constituted an action plan for the entire election year and covered initiatives essential to Program success. As an example, the Secretary of Defense designated March 1974 as "Military Voter Registration Month." This reminded voters that some States required timely actions to register in order to vote in the forthcoming primary elections. The designation of September 24 as "Armed Forces Voters Day" shifted emphasis for voting counselors, and subsequently the voters, from the primary elections to the November 5 general election.

(b) Further refinements in the Voting Assistance Guide, 1974. This document is a one-volume repository of detailed absentee voting information on States, the District of Columbia, and other jurisdictions. Prior to its dissemination, it was necessary to publish essential voting information in a variety of forums. The Guide also contains Congressional District maps and suggestions for Armed Forces voting officers and counselors on how to conduct effective voting assistance programs within their units. This publication was also provided to Executive Branch Departments and Agencies for use in counseling eligible voters overseas. Members of Congress also received copies. It is also used as a reference manual by State election officials.

(c) Voting information was disseminated on a continuing basis throughout the election year through every available outlet of military internal news media. Additionally, essential voting information and materials were provided to other Federal and private organizations for publication in their respective house organs.

#### 1975 Summary

While the Act primarily concerns Federal elections, its provisions also recommend that voting materials be made available for use in other general, primary, and special elections.

Although none of the statewide primary and general elections regularly scheduled for 1975 were for Federal offices, the Department of Defense still provided detailed voting information to the Military Departments and Executive Branch Departments and Agencies in keeping with the spirit of the Act. The Program objectives of providing voting information and rendering personal assistance to absentee voters were emphasized throughout the year. Information related to the special elections held to fill vacancies in the 94th Congress was disseminated to persons covered by the Act through every appropriate means of communication available to the Department of Defense.

#### Coordination With State Governments

Throughout the Act's twenty-year existence, there has been close and continuing cooperation between the Department of Defense and State election officials. Several benefits to persons covered by the Act result directly from continuing liaison with the States. First, in keeping with the Federal responsibilities under the Act, essential absentee voting information is obtained rapidly, thus reaching potential voters in time for them to take prompt action to vote absentee. Second, State officials and Program representatives exchange information related to State implementation of Congressional recommendations in the Act. Model legislation to that end was accepted by the Council of State Governments from the Department of Defense, and published in Vol. 31 of the Council's Suggested State Legislation--1972. Third, a valuable communications link between absentee voters and election officials in their home States is maintained.

### PART III

## PROGRESS OF THE STATES IN IMPLEMENTING THE ACT

### SECTION 1451: State Enactment of Absentee Voting Legislation

The Congress expresses itself as favoring, and recommends that the several States take, immediate legislative or administrative action to enable every person in any of the following categories who is absent from the place of his voting residence to vote by absentee ballot in any primary, special, or general election held in his election district or precinct, if he is otherwise eligible to vote in that election:

(1) Members of the Armed Forces while in the active service, and their spouses and dependents.

(2) Members of the merchant marine of the United States, and their spouses and dependents.

(3) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

Aug. 9, 1955, c. 656, Title I, § 101, 69 Stat. 584, amended June 18, 1968, Pub.L. 90-343, § 1, 82 Stat. 180.

As seen from the above paragraph, the Act recommends that the States take legislative or administrative action which will enable specified categories of persons to vote absentee. United States citizens temporarily residing outside the United States (Section 1451 (3), above) were added to the Act by the 1968 amendments. Several States have determined that their election laws are sufficiently broad to allow all categories to register and vote absentee without adopting special legislation. Surveys of State chief election officials or State Attorneys-General have determined those States that comply with the recommendations and allow eligible persons in the above categories to register and vote absentee.

The States that have adopted the recommendations of the Act have extended absentee voting to all Federal and State elections. Absentee voting is also generally permitted in local elections.

These States and the categories they permit to register and vote absentee are as follows:

<u>Category</u>	<u>Statutorily Allow Registration Absentee</u>	<u>Statutorily Allow Voting Absentee</u>
Armed Forces Members	50 States and District of Columbia (D.C.)	50 States and D.C.
Spouses	50 States and D.C.	50 States and D.C.
Dependents	47 States and D.C. <u>Exceptions:</u> North Carolina Ohio Virginia <sup>1</sup>	48 States and D.C. <u>Exceptions:</u> North Carolina Ohio
Merchant Marine Members	46 States and D.C. <u>Exceptions:</u> Alabama <sup>1</sup> New Jersey Ohio Virginia <sup>1</sup>	48 States and D.C. <u>Exceptions:</u> New Jersey Ohio
Spouses	46 States and D.C. <u>Exceptions:</u> Alabama New Jersey Ohio Virginia <sup>1</sup>	47 States and D.C. <u>Exceptions:</u> Alabama New Jersey Ohio
Dependents	45 States and D.C. <u>Exceptions:</u> Alabama New Jersey North Carolina Ohio Virginia <sup>1</sup>	46 States and D.C. <u>Exceptions:</u> Alabama New Jersey North Carolina Ohio

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1. Required to register in person. Once registered, may vote absentee.

The next two tables show the States which permit U.S. citizens temporarily residing overseas to participate in the electoral process. The first States listed have statutes specifically identifying this category of persons. The second group also permits absentee registration and voting for this category of persons, based on general statutes. They are general in that they provide for absentee registration and voting by qualified persons absent from their former residences. These States define residence so as to permit these persons to retain their former residence until physical presence in a new location, coupled with the unconditional intent to remain there indefinitely, occurs.

<u>Specific Statutes</u>		
<u>Category</u>	<u>Statutorily Allow Registration Absentee</u>	<u>Statutorily Allow Voting Absentee</u>
Citizens of the U.S. temporarily residing outside the territorial limits of the U.S. and D.C. and their spouses and dependents when residing with or accompanying them.	Alaska	Alaska
	Arkansas	Arkansas
	California	California
	Colorado	Colorado
	Delaware	Connecticut <sup>2</sup>
	District of Columbia	Delaware
	Florida	District of Columbia
	Iowa	Florida
	Kansas	Iowa
	Maryland	Kansas
	Massachusetts	Louisiana <sup>3</sup>
	Michigan	Maryland
	Minnesota	Massachusetts
	Mississippi	Michigan
	Montana	Minnesota
	New Mexico	Mississippi
	North Dakota	Montana
	Oklahoma	New Mexico
	Oregon	North Dakota
	South Dakota	Oklahoma
	Tennessee	Oregon
	Texas	South Dakota
	Washington	Tennessee
	Wyoming	Texas
		Washington
		West Virginia <sup>4</sup>
		Wyoming
	23 States and D.C.	26 States and D.C.

2. Connecticut's Constitution does not permit absentee registration by this category. Once registered in person, may vote absentee.

3. Must register in person. Once registered, may continue to vote absentee.

4. Absentee registration by this category is permitted based on a general statute (see below).

## General Statutes

<u>Category</u>	<u>Allow Absentee Registration Based on a General Statute</u>	<u>Allow Absentee Voting Based on a General Statute</u>
Citizens of the U.S. temporarily residing outside the territorial limits of the U.S. and D.C. and their spouses and dependents when accompanying them.	Arizona Georgia Hawaii Idaho Kentucky Missouri Nebraska Utah Vermont West Virginia <sup>5</sup> <u>Wisconsin</u> 11 States	Arizona Georgia Hawaii Idaho Kentucky Missouri Nebraska South Carolina Utah Vermont <u>Wisconsin</u> 11 States

New Hampshire and Indiana also permit U.S. citizens temporarily residing overseas to register and vote absentee if they merely rent out their homes or sublet their rental property while temporarily absent. New Hampshire voters may use the FPCA to request an absentee ballot; Indianans may not. South Carolina permits persons whose employment is out of State, students, and their spouses and dependents residing with them, to register absentee.

### Adoption of Original Categories Before 1968 Amendments

Several States have enacted legislation extending absentee registration and voting to the categories of civilian persons provided for in the original Act of 1955. The original categories and the States that still recognize them by specific legislation are:

**Civilian employees of the United States in all categories serving outside the territorial limits of the several States of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil-service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the Congress.**

Arizona	Louisiana	New York
California	Maine	Pennsylvania
Colorado	Maryland	South Carolina
Connecticut	Massachusetts	Utah
Florida	Missouri	Vermont
Illinois	Nevada	Washington
Iowa	New Hampshire	

<sup>5</sup> West Virginia has a specific statute granting this category the right of voting absentee (see above).

**Members of religious groups or welfare agencies assisting members of the Armed Forces, who are officially attached to and serving with the Armed Forces, and their spouses and dependents.**

California	Louisiana	New Hampshire
Colorado	Maine	Pennsylvania
Connecticut	Maryland	Rhode Island
Florida	Missouri	Utah
Illinois	Montana	Vermont
Iowa	Nevada	Washington

South Carolina permits persons serving with the American Red Cross or United States Service Organizations attached to and serving with the Armed Forces outside of the county of their residence, and their spouses and dependents residing with them, to register and vote absentee.

#### SECTION 1452: State Adoption of Recommended Balloting Procedures

To afford ample opportunity for persons covered by section 1451 of this title to vote for Federal, State, and local officials and to use the absentee balloting procedures to the greatest extent possible, it is recommended that each of the several States—

(1) accept as applications for absentee ballots under such States' absentee balloting laws, as applications for registration under such States' election laws, and as sources of information to implement State absentee balloting laws, the form of post card (when duly executed by a person covered by section 1451 of this title) provided pursuant to this chapter;

#### Applications For Absentee Ballots

Every State and the District of Columbia accepts the FPCA as a ballot request by members of the Armed Forces and their spouses. Dependents of Armed Forces members may use the FPCA in this manner in every State and the District of Columbia except North Carolina and Ohio.

Alabama, New Jersey, New York, and Ohio are the only States which do not accept the FPCA as a request for an absentee ballot from members of the Merchant Marine.<sup>6</sup> Spouses of Merchant Marine members may use the FPCA for this purpose in every State except Alabama, New Jersey, New York,<sup>7</sup> and Ohio.

Other citizens of the United States temporarily residing outside the territorial limits of the U.S. may use the FPCA to request a ballot in every State and the District of Columbia except:

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6. Alabama and New York will accept other written request.

7. New York will accept other written request.



Alabama	Nevada	Pennsylvania
Illinois	New Jersey	Rhode Island
Indiana	New York	Utah <sup>9</sup>
Louisiana <sup>8</sup>	North Carolina	Vermont <sup>10</sup>
Maine	Ohio	Virginia

### Absentee Registration Methods

The Act recommends three alternative registration methods as shown in the paragraphs immediately below. Forty-four States and the District of Columbia have adopted a registration procedure that conforms to the Act's recommendations. The six States--Alabama, Georgia, Kentucky, Louisiana, Nevada, and West Virginia--that have not adopted a recommended procedure are uniform in their alternative method. They require that State registration forms be completed and returned before absentee ballots will be mailed. FPCAs may be used to request State registration forms.

State adoption of the Act's recommended registration methods is as follows:

**(2) waive registration of persons covered by section 1451 of this title, who, by reason of their service, have been deprived of an opportunity to register;**

Arkansas	Missouri	Oklahoma
Illinois	New Jersey	Rhode Island
Kansas	North Dakota <sup>11</sup>	Wisconsin
Massachusetts	Ohio	

**(3) accept the post card application provided pursuant to this chapter as a simultaneous application for registration and for ballot;**

Alaska	Maine	North Carolina
Colorado	Mississippi	South Carolina
District of Columbia	Montana	South Dakota
Hawaii	New Hampshire	Tennessee <sup>12</sup>
Idaho	New Mexico <sup>12</sup>	Texas
Indiana	New York	

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8. Must apply by registered mail.

9. The request must be on a form supplied by the State. The form may be requested by mail.

10. The entire application must be in the applicant's own handwriting.

11. No statewide registration.

12. Temporary registration.

(4) If a special application is required for registration by mail, provide that the necessary forms will be sent with the absentee ballot and may be returned with it;

Arizona	Maryland	Utah
California	Michigan	Vermont
Connecticut	Minnesota	Virginia
Delaware	Nebraska	Washington
Florida	Oregon	Wyoming
Iowa	Pennsylvania	

#### Late Returnee Provision

(5) make provision for persons eligible to register and qualified to vote, who have been honorably discharged from the Armed Forces, or have terminated their service or employment, too late to register at the time when, and at the place where, registration is required, to vote at the election next ensuing after such discharge or termination;

When this provision was incorporated into the Act, a year's residency in the State and six months in the local political subdivision were common prerequisites to registration. In March 1972, the Supreme Court held, in Dunn v. Blumstein, that imposition of a calendar waiting period--a durational residency requirement--was a violation of the Constitution's Equal Protection clause. People who had been ineligible to vote solely because they had not lived long enough in their State, county, or other political subdivision, were now enfranchised. With the exception of Arizona (50 days), Florida (45 days), New Mexico (42 days), and Colorado (32 days), States now register qualified voters 30 or less days prior to an election.

Twenty-four States and the District of Columbia have adopted this provision or one with equivalent effect. The States are: California, Connecticut, Delaware, Idaho, Illinois, Iowa, Kansas, Maine, Maryland, Massachusetts, Missouri, Montana, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, Tennessee, Vermont, Wisconsin, and Wyoming.

States closing their registration books closer to elections, adoption of absentee registration methods, and the transition to permanent registration systems with periodic purges have significantly reduced the number of persons who need take advantage of this provision.

## Balloting Materials

(6) authorize and instruct the State or local election officials, upon receipt of the post card application provided pursuant to this chapter, to mail immediately to the applicant a ballot, instructions for voting and returning the ballot, and a self-addressed envelope;

(7) provide that there be printed across the face of each envelope in which a ballot is sent two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope, and with the words "Official Election Balloting Material—via Air Mail", or similar language, between the bars; that there be printed in the upper right corner of each such envelope, in a box, the words "Free of U. S. Postage, Including Air Mail"; that all printing on the face of each such envelope be in red; and that there be printed in red in the upper left corner of each State ballot envelope an appropriate inscription or blanks for return address of sender;

(8) provide that the gummed flap of the State envelope supplied for the return of the ballot be separated by a wax paper or other appropriate protective insert from the remaining balloting material and that there be included in State voting instructions a procedure to be followed by absentee voters, such as notation of the facts on the back of the envelope duly signed by the voter and witnessing officer, in instances of adhesion of the balloting material;

(9) reduce in size and weight of paper, as much as possible, envelopes, ballots, and instructions for voting procedure;

(11) include in State voting instructions express information concerning the type or types of writing instruments which may be used to mark the absentee ballot, preferably pen or indelible pencil; and

(12) provide that absentee ballots will be available for mailing to the applicant as soon as practicable before the last date on which such ballot will be counted.

Every State and the District of Columbia have adopted some form of this section's administrative details. State election officials indicate they make every effort to have absentee ballots available at the earliest time permitted by their State's election laws.

## Oaths

(10) for the purposes of this chapter, authorize oaths required by State law to be administered and attested by any commissioned officer in the active service of the Armed Forces, any member of the merchant marine of the United States designated for this purpose by the Secretary of Commerce, the head of any department or agency of the United States, any civilian official empowered by State or Federal law to administer oaths, or any civilian employee designated by the head of any department or agency of the United States.

Six States provide that all persons named in this subsection may execute required oaths. These States are: Delaware, Florida, Hawaii, Mississippi, Montana, and Virginia. However, every State which requires

oaths, and the District of Columbia, permit commissioned officers and civilian officials empowered by State or Federal law to execute oaths.

#### SECTION 1453: Statistical Data

**It is recommended that each of the several States make available to the officer designated by the President under section 1461 of this title appropriate statistical data to assist him in compiling comprehensive information of operations under this chapter.**

Aug. 9, 1955, c. 656, Title I, § 103, 69 Stat. 585.

All States comply with this section. The voting information guides and other information support materials are evidence of their cooperation. They could not be published without material furnished and kept up-to-date by the States.

#### SECTION 1454: Personnel Residing on Military Installation; Acquisition of Legal Residence for Voting Purposes

**It is recommended that each of the several States permit any person covered by section 1451(1) of this title who is otherwise fully qualified to register and vote in the State to acquire legal residence in that State, notwithstanding his residence on a military installation, and to register and vote in local, State, and national elections.**

Aug. 9, 1955, c. 656, Title I, § 104, as added June 18, 1968, Pub.L. 90-344, § 1(2), 82 Stat. 181.

There has been no change in State compliance with this recommendation since publication of the Federal Voting Assistance Program Ninth Report in 1973. Oklahoma and Virginia are the only States prohibiting persons from acquiring legal residence while residing on military installations. Alabama and North Carolina have not adopted a definite policy in regard to this recommendation.

#### IMPLEMENTATION BY OTHER JURISDICTIONS

The Commonwealth of Puerto Rico and the Territories of Guam and the Virgin Islands have also adopted various provisions of the Act. The extent to which they have incorporated the recommendations of the Act into their election laws is detailed below.

##### Commonwealth of Puerto Rico

Puerto Rico allows the following persons to register and vote absentee while outside the Commonwealth:

1. Active duty members of the Armed Forces.
2. Students at accredited educational institutions.
3. Persons subject by contract to work outside Puerto Rico.

The FPCA is accepted as a registration and ballot request from members of the Armed Forces. Otherwise qualified voters must have resided in their electoral precincts for four months prior to an election in order to register. A commissioned officer or other person authorized to administer oaths may attest to the FPCA.

In 1974, the Commonwealth's Electoral Code was rewritten. The new Code simplified electoral procedures and greatly expanded the opportunities for political and electoral participation.

Pursuant to the Code, a general registration of voters was conducted during July and August, 1975. The general registration was designed to provide the basic registry of voters for all future elections. Members of the Armed Forces participated through the submission of FPCAs.

#### Territory of Guam

Guam permits the following persons to register and vote absentee:

1. Members of the Armed Forces.
2. Members of the Merchant Marine.
3. Civilians outside Guam officially attached to and serving with the Armed Forces.
4. Spouse of any of the above.
5. All other qualified absent persons.

Categories 1-4 above may use the FPCA to apply for an absentee ballot, and Armed Forces members and their spouses are registered automatically upon receipt of the FPCA by the Guam Election Commission. All other qualified absent persons (5.) are accorded the same status upon receipt of a properly executed absentee ballot application form by the Commission.

Guam does not require a calendar waiting period (durational residency requirement) as a prerequisite to registration.

Commissioned officers and others authorized to administer oaths may witness FPCAs.

#### Territory of the Virgin Islands

The Territory permits the following persons to register and vote absentee:

1. Members of the Armed Forces.

2. Members of the Merchant Marine.

3. Members of religious, service, or welfare organizations assisting Armed Forces members, who are attached to and serving with the Armed Forces.

4. Full-time students.

Casting a ballot automatically registers persons in the categories above.

In addition, persons in the following categories are permitted to vote--but not register--absentee:

1. The spouse of any of the above.

2. Virgin Islands/U.S. Government employees.

3. Persons who have not been outside of the Virgin Islands for more than 90 days prior to the election in which they wish to vote.

The FPCA may be used by all the persons listed to apply for an absentee ballot. An FPCA must be witnessed by a commissioned officer or other person authorized to administer oaths.

The Territory requires a calendar waiting period prior to registration of 30 days next preceding a primary election and 45 days next preceding a general election.

## PART IV

### 1974 GENERAL ELECTION STATISTICS

#### Post-Election Survey

Pursuant to Section 1461 of the Act, the Department of Defense, assisted by the Military Departments and other Federal Departments and Agencies, conducted post-election surveys of voting participation, assistance, and interest among active duty members of the Armed Forces, the U.S. Coast Guard, and Federal employees serving overseas. In addition to the Department of Defense, survey participants were:

- Department of Agriculture
- Department of Health, Education, and Welfare
- Department of the Interior
- Department of Justice
- Department of State
- Department of Transportation
- Department of Treasury
- Agency for International Development
- Panama Canal Company
- United States Information Agency
- Veterans Administration

The results of the survey are represented by the following tables:

#### Survey Results

##### Voter Participation

Respondents had to meet the following criteria to be deemed eligible voters:

1. 18 years of age or older
2. U.S. Citizen
3. Able to satisfy State residency requirements

Analyses presented in Tables 1 through 4 are based on the responses of those persons defined as eligible according to the criteria cited above.

TABLE 1

Estimated Armed Forces, Coast Guard, and Federally Employed Overseas  
Civilian Population Eligible to Vote and Voting in November 1974

<u>Group</u>	<u>Total Population</u>	<u>Eligible to Vote</u>	<u>Percent</u>	<u>Voted</u>	<u>Percent</u>
Army	775,725	620,000	79.9	112,000	18.1
Navy	545,978	498,000	91.2	75,000	15.1
Air Force	625,474	573,000	91.6	120,000	20.9
Marine Corps	<u>191,910</u>	<u>165,000</u>	<u>86.0</u>	<u>28,000</u>	<u>17.0</u>
Department of Defense Total	2,139,087	1,856,000	86.8	335,000	18.0
Coast Guard	35,527	31,000	87.3	5,000	16.1
Federally Employed <b>Civilians Overseas</b>	54,905	45,000	82.0	8,000	17.8



TABLE 2

Number and Percent of Eligible Persons By Age Distribution  
Voting in 1974 General Election

Group	18-25				26-40				Over 40			
	<u>Eligible</u>	<u>Voted</u>			<u>Eligible</u>	<u>Voted</u>			<u>Eligible</u>	<u>Voted</u>		
		<u>No.</u>	<u>Pct.</u>			<u>No.</u>	<u>Pct.</u>			<u>No.</u>	<u>Pct.</u>	
Army	363,000	47,000	12.9		213,000	51,000	23.9		44,000	14,000	31.8	
Navy	239,000	22,000	9.2		225,000	38,000	16.9		34,000	15,000	44.1	
Air Force	275,000	38,000	13.8		257,000	67,000	26.1		41,000	15,000	36.6	
Marine Corps	<u>114,000</u>	<u>14,000</u>	<u>12.3</u>		<u>46,000</u>	<u>12,000</u>	<u>26.1</u>		<u>5,000</u>	<u>2,000</u>	<u>40.0</u>	
DoD Total	991,000	121,000	12.2		741,000	168,000	22.7		124,000	46,000	37.1	
Coast Guard	17,000	2,000	11.8		12,000	2,000	16.7		2,000	1,000	50.0	
Federally Employed Civilians Overseas	6,000	1,000	16.7		20,000	4,000	20.0		19,000	3,000	15.8	

TABLE 3

Voting Participation By Age Groups in November 1974

Group	18 - 25	26 - 40	Over 40	Overall
	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>
Army				
Officer	25	28	33	29
Enlisted	13	22	30	16
Navy				
Officer	21	28	41	30
Enlisted	9	15	46	12
Air Force				
Officer	32	36	44	35
Enlisted	13	22	32	18
Marine Corps				
Officer	30	42	53	40
Enlisted	12	20	48	15
Coast Guard				
Officer	29	32	38	33
Enlisted	11	15	17	13

TABLE 4

Estimated Armed Forces Voting Participation in Off-Year Elections  
1958 - 1974

Election Year	Total Eligible	Number Voted	Percent Voted
1958	2,016,000	378,000	18.7
1962	1,987,000	399,000	20.1
1966	2,274,000	623,000	27.4
1970	2,194,000	584,000	26.6
1974	1,856,000	335,000	18.0

### Voting Assistance

The Federal Voting Assistance Program prepares and distributes materials to Executive Branch voting representatives, counselors, and voting officers so that they may personally assist potential absentee voters. Assistance is rendered in the following areas:

1. Explanation of absentee registration and voting procedures in every State, Territory, Commonwealth, and the District of Columbia.
2. Information on Presidential and State primaries and special elections.
3. Information on registration and ballot-receipt deadlines.
4. Dissemination of FPCAs; information and assistance for using them.
5. Assistance in preparing registration and ballot request forms.

Table 5 depicts the assistance function of the Federal Voting Assistance Program. The survey question and answer choice was:

"Did your organizational unit or employer, through a voting officer, counselor, or by other means, provide you assistance (other than issuing a Federal Post Card Application) before the November, 1974 general election, in exercising your right to vote?

- A. Yes.
- B. No, although I wanted or needed assistance.
- C. No, I did not want or need assistance."

TABLE 5  
Receipt of Voting Assistance

Group	Received Assistance	Wanted or Needed Assistance	Did Not Want or Need Assistance
	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>
Army			
Officer	19	14	67
Enlisted	<u>17</u>	<u>25</u>	<u>58</u>
Total	17.3	23.3	59.4
Navy			
Officer	18	17	65
Enlisted	<u>12</u>	<u>31</u>	<u>57</u>
Total	12.8	29.2	58.0
Air Force			
Officer	37	10	53
Enlisted	<u>28</u>	<u>14</u>	<u>58</u>
Total	29.6	13.3	57.1
Marine Corps			
Officer	41	7	52
Enlisted	<u>28</u>	<u>16</u>	<u>56</u>
Total	29.3	15.1	55.6
Department of Defense			
Officer	27	13	60
Enlisted	<u>20</u>	<u>22</u>	<u>57</u>
Total	21.0	21.0	58.0
Coast Guard			
Officer	22	10	67
Enlisted	<u>15</u>	<u>21</u>	<u>64</u>
Total	16.1	19.3	64.5
Federally Employed Civilians Overseas	10	27	63

Voter Interest

Tables 6 through 10 reflect levels of interest in the 1974 General Election and how voter interest translated into participation in the electoral process.

TABLE 6

Interest in the 1974 General Election

Group	Very Interested	Somewhat Interested	Little or No Interest
	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>
Department of Defense			
Officer	27	47	26
Enlisted	<u>19</u>	<u>42</u>	<u>39</u>
Total	20.1	42.4	37.5
Coast Guard			
Officer	29	40	32
Enlisted	<u>17</u>	<u>43</u>	<u>40</u>
Total	18.8	42.5	38.7
Federally Employed			
<b>Civilians Overseas</b>	30.0	48.0	22.0

TABLE 7

Voting Rates By Reported Interest Level in the November 1974 Election

Group	Very Interested	Somewhat Interested	Little or No Interest
	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>
Department of Defense			
Officer	69	28	5
Enlisted	<u>47</u>	<u>13</u>	<u>3</u>
Total	52	15	3
Coast Guard			
Officer	76	24	5
Enlisted	<u>42</u>	<u>12</u>	<u>1</u>
Total	51	14	2
Federally Employed			
<b>Civilians Overseas</b>	40	12	1

TABLE 8

Application for Absentee Ballot for the November 1974 Election

Group	Mailed In FPCA (SF 76)	Applied By Other Means	Did Not Apply
	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>
Army			
Officer	37	6	57
Enlisted	31	13	56
Navy			
Officer	51	6	43
Enlisted	36	5	59
Air Force			
Officer	49	5	46
Enlisted	33	8	59
Marine Corps			
Officer	47	7	46
Enlisted	34	6	60
Coast Guard			
Officer	46	5	49
Enlisted	34	7	59
Federally Employed Civilians Overseas	53	7	40

TABLE 9

Result of FPCA Request for Absentee Ballot for the November 1974 Election

Group	Received Ballot and Voted	Received Ballot After Deadline	Received Ballot But Did Not Vote	Application Rejected	Received No Response
	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>
Army					
Officer	88	5	1	-	6
Enlisted	59	20	8	-	13
Navy					
Officer	82	8	5	1	4
Enlisted	67	14	10	-	9
Air Force					
Officer	85	4	5	-	6
Enlisted	68	11	9	1	11
Marine Corps					
Officer	79	8	6	2	5
Enlisted	55	9	18	2	16
Coast Guard					
Officer	86	3	6	1	4
Enlisted	63	11	12	1	13
Federally Employed Civilians Overseas	80	11	3	2	4

TABLE 10

Reasons for Not Voting in the November 1974 Election

Group	Chose Not To Vote	Lacked Information Candidates/ Issues	Lacked Procedural/ Deadline Information	To Avoid Incurring Tax Obligation	Did Not Receive Requested Absentee Ballot
	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>
Department of Defense					
Officer	44	31	15	5	6
Enlisted	<u>45</u>	<u>31</u>	<u>14</u>	<u>3</u>	<u>5</u>
Total	46	31	14	4	5
Coast Guard					
Officer	41	36	14	5	4
Enlisted	<u>45</u>	<u>31</u>	<u>17</u>	<u>3</u>	<u>4</u>
	44	32	17	3	4
Federally Employed Civilians Overseas	32	29	25	6	8



## CHAPTER 30.—FEDERAL ABSENTEE VOTING ASSISTANCE

### SUBCHAPTER I.—RECOMMEN- DATION TO STATES

- Sec.  
1451. State enactment of absentee voting legislation.  
1452. Balloting procedures.  
1453. Statistical data.  
1454. Personnel residing on military installations; acquisition of legal residence for voting purposes.

### SUBCHAPTER II.—RESPONSI- BILITIES OF FEDERAL GOVERNMENT

1461. Presidential designee to coordinate and facilitate actions to discharge Federal responsibilities; report.  
1462. Current absentee voting information.

- Sec.  
1463. Cooperation of Government officials; drafts of state legislation; printing and transmitting of post cards.  
1464. Form and content of post card application.  
1465. Post card for election for Members of Congress.

### SUBCHAPTER III.—GENERAL PROVISIONS

1471. Definitions.  
1472. Free postage.  
1473. Prevention of fraud and coercion.  
1474. Acts done in good faith.  
1475. Undue influence; free discussion.  
1476. Appropriations.

### SUBCHAPTER I.—RECOMMENDATION TO STATES

#### § 1451. State enactment of absentee voting legislation

The Congress expresses itself as favoring, and recommends that the several States take, immediate legislative or administrative action to enable every person in any of the following categories who is absent from the place of his voting residence to vote by absentee ballot in any primary, special, or general election held in his election district or precinct, if he is otherwise eligible to vote in that election:

(1) Members of the Armed Forces while in the active service, and their spouses and dependents.

(2) Members of the merchant marine of the United States, and their spouses and dependents.

(3) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

Aug. 9, 1955, c. 656, Title I, § 101, 69 Stat. 584, amended June 18, 1968, Pub.L. 90-343, § 1, 82 Stat. 180.

**1968 Amendment.** Pub.L. 90-343 consolidated into par. (3) the provisions of former pars. (3) and (4) and, in such consolidated par. (3), substituted provisions which served to extend the recommendations to the states as to absentee voter registration so as to include citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them for former provisions of par. (3) which served to include civilian employees of the United States in all categories serving outside the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not subject to the civil service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by Congress, and provisions of former par. (4) which served to include members of religious groups and welfare agencies as-

sisting members of the Armed Forces, who are officially attached to and serving with the Armed Forces and their spouses and dependents.

**Short Title.** Section 1 of Act of Aug. 9, 1955 provided: "That this Act [which enacted this chapter, and repealed sections 301-303, 321-331, 341, and 351-355 of this title] may be cited as 'The Federal Voting Assistance Act of 1955'."

**Separability Provisions.** Section 306 of Act Aug. 9, 1955, provided that: "If any provision of this Act [this chapter] or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the Act [this chapter] and the applicability of such provision to other persons or circumstances shall not be affected thereby."

**Legislative History:** For legislative history and purpose of Act Aug. 9, 1955, see 1955 U.S. Code Cong. and Adm. News p. 2777. See, also, Pub.L. 90-343, 1968 U. S. Code Cong. and Adm. News, p. 2064.

**§ 1452. Balloting procedures**

To afford ample opportunity for persons covered by section 1451 of this title to vote for Federal, State, and local officials and to use the absentee balloting procedures to the greatest extent possible, it is recommended that each of the several States—

(1) accept as applications for absentee ballots under such States' absentee balloting laws, as applications for registration under such States' election laws, and as sources of information to implement State absentee balloting laws, the form of post card (when duly executed by a person covered by section 1451 of this title) provided pursuant to this chapter;

(2) waive registration of persons covered by section 1451 of this title, who, by reason of their service, have been deprived of an opportunity to register;

(3) accept the post card application provided pursuant to this chapter as a simultaneous application for registration and for ballot;

(4) if a special application is required for registration by mail, provide that the necessary forms will be sent with the absentee ballot and may be returned with it;

(5) make provision for persons eligible to register and qualified to vote, who have been honorably discharged from the Armed Forces, or have terminated their service or employment, too late to register at the time when, and at the place where, registration is required, to vote at the election next ensuing after such discharge or termination;

(6) authorize and instruct the State or local election officials, upon receipt of the post card application provided pursuant to this chapter, to mail immediately to the applicant a ballot, instructions for voting and returning the ballot, and a self-addressed envelope;

(7) provide that there be printed across the face of each envelope in which a ballot is sent two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope, and with the words "Official Election Balloting Material—via Air Mail", or similar language, between the bars; that there be printed in the upper right corner of each such envelope, in a box, the words "Free of U. S. Postage, Including Air Mail"; that all printing on the face of each such envelope be in red; and that there be printed in red in the upper left corner of each State ballot envelope an appropriate inscription or blanks for return address of sender;

(8) provide that the gummed flap of the State envelope supplied for the return of the ballot be separated by a wax paper or other appropriate protective insert from the remaining balloting material and that there be included in State voting instructions a procedure to be followed by absentee voters, such as notation of the facts on the back of the envelope duly signed by the voter and witnessing officer, in instances of adhesion of the balloting material;

(9) reduce in size and weight of paper, as much as possible, envelopes, ballots, and instructions for voting procedure;

(10) for the purposes of this chapter, authorize oaths required by State law to be administered and attested by any commissioned officer in the active service of the Armed Forces, any member of the merchant marine of the United States designated for this purpose by the Secretary of Commerce, the head of any department or agency of the United States, any civilian official empowered by State or Federal law to administer oaths, or any civilian employee designated by the head of any department or agency of the United States.

(11) include in State voting instructions express information concerning the type or types of writing instruments which may be used to mark the absentee ballot, preferably pen or indelible pencil; and

(12) provide that absentee ballots will be available for mailing to the applicant as soon as practicable before the last date on which such ballot will be counted.

**Aug. 9, 1955, c. 656, Title I, § 102, 69 Stat. 584, amended June 18, 1968, Pub.L. 90-344, § 1(1), 82 Stat. 181.**

**1968 Amendment.** Cl. (10). Pub.L. 90-344 added heads of departments or agencies of the United States and civilian employees designated by the head of any department or agency of the United States to the recommended list of per-

sons authorized to administer and attest to oaths as required by state law.

**Legislative History.** For legislative history and purpose of Pub.L. 90-344, see 1968 U.S.Code Cong. and Adm.News, p. 2007.

**§ 1453. Statistical data**

It is recommended that each of the several States make available to the officer designated by the President under section 1461 of this title appropriate statistical data to assist him in compiling comprehensive information of operations under this chapter.

Aug. 9, 1955, c. 656, Title I, § 103, 69 Stat. 585.

**§ 1454. Personnel residing on military installations; acquisition of legal residence for voting purposes**

It is recommended that each of the several States permit any person covered by section 1451(1) of this title who is otherwise fully qualified to register and vote in the State to acquire legal residence in that State, notwithstanding his residence on a military installation, and to register and vote in local, State, and national elections.

Aug. 9, 1955, c. 656, Title I, § 104, as added June 18, 1968, Pub.L. 90-344, § 1(2), 82 Stat. 181.

**Legislative History:** For legislative history and purpose of Pub.L. 90-344, see 1968 U.S.Code Cong. and Adm.News, p. 2067.

**SUBCHAPTER II.—RESPONSIBILITIES OF FEDERAL GOVERNMENT**

**§ 1401. Presidential designee to coordinate and facilitate actions to discharge Federal responsibilities; report**

The President is authorized to designate, with provision for redelegation, the head (hereinafter referred to as the Presidential designee) of any executive department or agency to coordinate and facilitate such actions as may be required to discharge Federal responsibilities under this chapter. The Presidential designee is authorized to request from other executive departments and agencies such assistance as he deems necessary to effectuate the purposes of this chapter, and shall submit a report to the President and to the Congress in odd-numbered years. Such report shall cover the administration of Federal responsibilities authorized under this subchapter, the progress of the States in carrying out the recommendations contained in subchapter I of this chapter, statistical data relating to absentee voting, and such other information as the Presidential designee may consider appropriate.

Aug. 9, 1955, c. 656, Title II, § 201, 69 Stat. 585.

**Legislative History:** For legislative history and purpose of Act Aug. 9, 1955, see 1955 U.S.Code Cong and Adm.News, p. 2777.

**EXECUTIVE ORDER NO. 10646**

Nov. 23, 1955, 20 F.R. 8081

**DESIGNATION OF SECRETARY OF DEFENSE AS COORDINATOR**

1. The Secretary of Defense is hereby designated as the official to coordinate and facilitate such actions as may be required to discharge Federal responsibilities under the Federal Voting Assistance Act of 1955 [this chapter].
2. In order to effectuate the purposes of the said act, the Secretary of Defense is hereby authorized to delegate any or all of the functions, responsibilities, powers, authority, or discretion devolving upon him in consequence of this order to any person or persons within the Department of Defense.

Dwight D. Eisenhower

**§ 1402. Current absentee voting information**

The Presidential designee shall request, annually or more often when appropriate, each State to furnish him with current absentee voting information for such State. Such information shall include election dates, officers to be elected, constitutional amendments, and other proposals to be voted on, absentee registration and voting procedures, and other relevant data. As soon as possible after receipt of such information, he shall furnish it to the departments and agencies of the executive branch affected by this chapter. Such departments and agencies are authorized to reprint and distribute such information to the extent necessary.

Aug. 9, 1955, c. 656, Title II, § 202, 69 Stat. 586.

**§ 1463. Cooperation of Government officials; drafts of state legislation; printing and transmitting of post cards**

All Government officials shall, to the extent practicable and compatible with their primary responsibilities, cooperate with the Presidential designee in carrying out the purposes of this chapter. All such officials shall, as far as practicable, take all reasonable measures to expedite, transmit, deliver, and return post cards, ballots, envelopes, and instructions for voting procedures mailed to or by persons to whom this chapter is applicable. In addition, and as requested by the Presidential designee, it shall be the duty of—

(1) the Attorney General to cooperate and advise with the Council of State Governments in the formulation of drafts of State legislation designed to implement the recommendations for State action contained in this chapter;

(2) the Administrator of General Services to cause to be printed and distributed post cards for use in accordance with the provisions of this chapter. Such post cards shall be delivered by the department or agency concerned to persons to whom this chapter is applicable for use at any general election at which electors for President and Vice President or Senators and Representatives are to be voted for. For use in such elections, post cards shall be in the hands of the persons concerned not later than August 15 before the election if they are outside the territorial limits of the United States and not later than September 15 before the election if they are inside the territorial limits of the United States. To the extent practicable and compatible with other operations, post cards shall also be made available at appropriate times to such persons for use in other general, primary, and special elections; and

(3) the Postmaster General and the heads of the departments and agencies concerned, where practicable and compatible with their operations, to facilitate the transmission of balloting material to and from persons to whom this Act is applicable. Ballots executed outside the United States by persons to whom this chapter is applicable shall be returned by priority airmail wherever practicable, and such mail may be segregated from other forms of mail and placed in special bags marked with special tags printed and distributed by the Postmaster General for this purpose.

Aug. 9, 1955, c. 656, Title II, § 203, 69 Stat. 586, amended June 18, 1968, Pub.L. 90-344, § 1(3), 82 Stat. 181.

1968 Amendment. Cl. (2). Pub.L. 90-344 substituted provisions that post cards shall be delivered and in the hands of the persons concerned not later than August 15 if they are without the territorial limits of the United States and not later than September 15 if they are within the territorial limits of the United States for provisions that such post cards shall, wherever practicable and compatible with other operations, be made available to the persons concerned by the specified dates.

**Legislative History.** For legislative history and purpose of Pub.L. 90-344, see 1968 U.S. Code Cong. and Adm. News, p. 2067.

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Law governing 1

**1. Law governing**

Former section 308 of Title 50 abolishing registration as a voting requisite for military forces was controlling when applied to election to a federal office, but had no application to elections held to fill a state or county office, which elections are governed by state law. In re Donahay, 1943, 34 A.2d 200, 21 N.J. Misc. 300.

**2. Delivery of ballots**

Foreign service ballots might be sent to individual war voters applying by post card prescribed by former section 303 of Title 50, or otherwise, giving only an A.P.O. or Fleet P.O. address, where for military reasons more specific information could not be furnished or obtained and refusal of federal officials to forward election materials made it impossible for polls to be held in foreign camps. 1943, Op. N.Y. Atty. Gen. 454.

**§ 1464. Form and content of post card application**

The form of the Federal post card application shall be as follows:

(a) The cards shall be approximately nine and one-half by four and one-eighth inches in size.

(b) Upon one side, perpendicular to the long dimension of the card, there shall be printed in black type the following:

**FILL OUT BOTH SIDES OF CARD**

**POST CARD APPLICATION FOR ABSENTEE BALLOT**

- State or Commonwealth of .....  
 (Fill in name of State or Commonwealth)
- (1) I hereby request an absentee ballot to vote in the coming election:  
 (GENERAL) (PRIMARY)\* (SPECIAL) ELECTION  
 (Strike out inapplicable words)
- (2) \* If a ballot is requested for a primary election, print your political party affiliation or preference in this box:   
 (If primary election is secret in your State, do not answer)
- (3) I am a citizen of the United States, eligible to vote in above State, and am:
- a. A member of the Armed Forces of the United States
  - b. A member of the merchant marine of the United States
  - c. A citizen of the United States temporarily residing outside of the territorial limits of the United States and the District of Columbia
  - d. A spouse or dependent of a person listed in (a) or (b) above
  - e. A spouse or dependent residing with or accompanying a person described in (c) above.
- (4) I was born on .....  
 (Day) (Month) (Year)
- (5) For ..... years preceding the above election my home (not military) residence in the above State has been .....  
 (Street and number or rural route, etc.)  
 in the county or parish of ..... The voting precinct or election district for this residence is .....  
 (Enter if known)
- (6) Remarks: .....
- (7) Mail my ballot to the following official address:  
 For those assigned in the U. S.:  
 .....  
 (Unit (Co., Sq., Trp., Bn., etc.), Govt. Agency, or Office)  
 .....  
 (Military Base, Station, Camp, Fort, Ship, Airfield, etc.)  
 For those assigned elsewhere:  
 .....  
 (APO or FPO number)
- (8) I am NOT requesting a ballot from any other State and am not voting in any other manner in this election, except by absentee process, and have not voted and do not intend to vote in this election at any other address.
- (9) .....  
 (Signature of person requesting ballot)
- (10) .....  
 (Full name, typed or printed, with rank or grade, and service number)
- (11) Subscribed and sworn to before me on .....  
 (Day, month, and year)
- .....  
 (Signature of official administering oath) (Typed or printed name of official administering oath)
- .....  
 (Title or rank, service number, and organization of administering official)

**INSTRUCTIONS**

- A. Before filling out this form see your voting officer in regard to the voting laws of your State and absentee registration and voting procedure.
- B. Type or print all entries except signatures. **FILL OUT BOTH SIDES OF CARD.**
- C. Address card to proper State official. Your voting officer or commanding officer will furnish you his title and address.

- D. Mail card as soon as your State will accept your application.  
 E. NO postage is required for the card.  
 (c) Upon the other side of the card there shall be printed in red type the following:

FILL OUT BOTH SIDES OF THE CARD

.....	} FREE of U. S. Postage Including Air Mail
.....	
.....	
.....	
.....	
	Official Mailing Address
OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL	

To: .....  
 (Title of Election Official)  
 .....  
 (County or Township)  
 .....  
 (City or Town, State)

Aug. 9, 1955, c. 656, Title II, § 204, 69 Stat. 586, amended June 18, 1968, Pub.L. 90-343, § 2, 82 Stat. 181; June 18, 1968, Pub.L. 90-344, § 1(4), (5), (6), 82 Stat. 182.

1968 Amendments. Subsec. (b) (3) (c), Pub.L. 90-343 substituted "A citizen of the United States temporarily residing outside of the territorial limits of the United States and the District of Columbia" for "A member of a religious or welfare organization assisting servicemen".

Subsec. (b) (3) (d). Pub.L. 90-343 substituted "A spouse or a dependent of a person listed in (a) or (b) above" for "A civilian employed by the United States Government outside the United States (continental)".

Subsec. (b) (3) (e). Pub.L. 90-343 substituted "A spouse or dependent residing with or accompanying a person described in (c) above" for "A spouse or dependent of a person listed (a), (b), or (c) above".

Subsec. (b) (3) (f). Pub.L. 90-343 struck out subsec. (b) (3) (f) which made provision for a spouse or dependent residing with a civilian employed by the United States Government outside of the (continental) United States.

Subsec. (b) (5). Pub.L. 90-344, § (4), added the provision for insertion of the applicant's county or parish.

Subsec. (b) (7). Pub.L. 90-344, § (5), substituted provisions differentiating between the style of address for persons assigned in the United States and persons assigned elsewhere for provisions setting out a single style of address for all applicants.

Subsec. (c). Pub.L. 90-344, § (6), substituted provisions for the official mailing address of the applicant for provisions for the name, unit, government agency, or office, military base, station, ship or office, street number, APO or FPO number, and city, postal zone, and state of the applicant.

Legislative History: For legislative history and purpose of Pub.L. 90-343, see 1968 U.S. Code Cong. and Adm. News, p. 2064. See, also, Pub.L. 90-344, 1968 U.S. Code Cong. and Adm. News, p. 2067.

§ 1405. Post card for election for Members of Congress

The previously authorized Federal post card form shall be utilized prior to and in connection with the election for Members of Congress next ensuing after August 9, 1955, and the Presidential designee shall initiate action to make such forms available to departments and agencies having a need therefor. Thereafter only the post card form authorized in this chapter shall be utilized.

Aug. 9, 1955, c. 656, Title II, § 205, 69 Stat. 588.

SUBCHAPTER III.—GENERAL PROVISIONS

§ 1471. Definitions

As used in this chapter—

(1) The term "Armed Forces" means the uniformed services as defined in section 231 of Title 37.

(2) The term "members of the merchant marine of the United States" means persons (other than members of the Armed Forces)

employed as officers or members of crews of vessels documented under the laws of the United States, or of vessels owned by the United States, or of vessels of foreign-flag registry under charter to or control of the United States, and persons (other than members of the Armed Forces) enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessels; but does not include persons so employed, or enrolled for such employment or for training for such employment, or maintained for such emergency relief service, on the Great Lakes or the Inland waterways.

(3) The term "dependent" means any person who is in fact a dependent.

Aug. 9, 1955, c. 656, Title III, § 301, 69 Stat. 588.

**References in Text.** Section 231 of Title 37, referred to in subd. (1), was repealed by Pub.L. 87-640, § 14, Sept. 7, 1962, 76 Stat. 490, and is now covered by sections 101, 401, and 420 of Title 37, Pay and Allowances of the Uniformed Services of America. provided that: "For the purposes of the Federal Voting Assistance Act of 1955 (69 Stat. 584) [this chapter] the word 'State' shall be deemed to include the District of Columbia." **Legislative History:** For legislative history and purpose of Act Aug. 9, 1955, see 1955 U.S. Code Cong. and Adm. News, p. 2777.

#### § 1472. Free postage

Official post cards, ballots, voting instructions, and envelopes referred to in this chapter, whether transmitted individually or in bulk, shall be free of postage, including air-mail postage, in the United States mails. Aug. 9, 1955, c. 656, Title III, § 302, 69 Stat. 588.

#### § 1473. Prevention of fraud and coercion

Every individual concerned with the administration of this chapter shall take all necessary steps to prevent fraud, to protect voters against coercion of any sort, and to safeguard the integrity and secrecy of ballots cast.

Aug. 9, 1955, c. 656, Title III, § 303, 69 Stat. 588.

#### § 1474. Acts done in good faith

No act done in good faith under this chapter by a person serving in or with the Federal or military service of the United States in the exercise of his judgment as to what was practicable and compatible with military, merchant marine, or other Federal governmental operations, shall constitute a violation of any provision of law relating to the elective franchise.

Aug. 9, 1955, c. 656, Title III, § 304, 69 Stat. 589.

#### § 1475. Undue influence; free discussion

It shall be unlawful for any commissioned, noncommissioned, warrant, or petty officer in the Armed Forces (1) to attempt to influence any member of the Armed Forces to vote or not to vote for any particular candidate, or (2) to require any member of the Armed Forces to march to any polling place or place of voting, but nothing in this chapter shall be deemed to prohibit free discussion regarding political issues or candidates for public office.

Aug. 9, 1955, c. 656, Title III, § 305, 69 Stat. 589.

#### § 1476. Appropriations

There are authorized to be appropriated such funds as may be necessary to carry out the purposes of this chapter.

Aug. 9, 1955, c. 656, Title III, § 308, 69 Stat. 589.